

In re Morel, J. L.

REMARKS

The Examiner is thanked for the official action of June 4, 2004. This Amendment and Request for Reconsideration is intended to be fully responsive thereto.

Drawing figure 6 was objected to for containing foreign language. Attached hereto please find a substitute drawing sheet 6 removing the objected language. No new matter has been added.

Claims 1-3 were objected to for minor informalities. Claims 1-3 have been amended in accordance with the Examiner's comments traversing said objections. No new matter has been added.

Claims 1-5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan '944 in view of Sagsetter '678. Claims 6-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Donovan '944 in view of Sagsetter '678 in further view of Henley '310. Applicant respectfully disagrees and has filed a notice of appeal concurrently herewith.

Regarding claim 1, the prior art failed to disclose the recited plurality of struts constituting both the interior case and exterior groove, let alone the recited cross pieces under tension. Regarding claim 2, the prior art fails to disclose the recited dimensions. Contrary to the Examiner's assertions the recited dimensions are not simply a design choice but represent a structurally desirable embodiment of the present invention void in the art. Regarding claim 3, the prior art is void of the combination of the recited crosspiece and vertical strut with the relative dimensional relationship. The remaining claim 4-9 also recite specific structurally beneficial embodiments void in the art. The Examiner is clearly impermissibly reconstructing Applicant's

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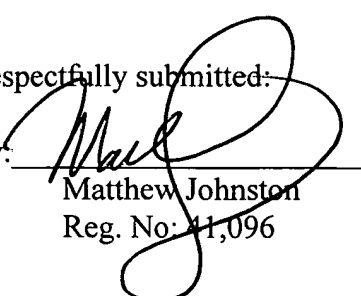
invention.

Regarding claim 10, The Examiner has failed to even establish a prima facie case of obviousness simply stating that Donovan, Sagsetter and Henley would be easily motivated to follow the claimed steps without pointing to a single step in the prior art. The prior art is void of the specific recitation of the steps. For example, the prior art is void of the step of placing the post after having placed the angled part, and is further void of the step of placing the cross piece in the groove after a row of panels is formed and tightening the cross pieces after the second row of sandwiched panels are formed. At best the prior art discloses inter-fitting preformed panels. Thus any rejection under 35 U.S.C. 102 or 103 is improper.

Regarding claims 12-13, the prior art fails to disclose a crosspiece extending across adjacent panels within aligned grooves (formed by the struts) and being both positively connected and under tension between adjacent panels. In view of the above amendment, it is respectfully submitted that the pending claims 1-13 define the invention over the prior art of record and notice to that affect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution, he is invited to contact the undersigned at the number listed below.

Respectfully submitted:

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